



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2010 REGULAR SESSION

SENATE BILL NO. 71

TUESDAY, MARCH 2, 2010

The following bill was reported to the House from the Senate and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Allen

AN ACT relating to special license plates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 ➔Section 1. KRS 186.162 is amended to read as follows:

2 (1) As used in this section and in KRS 186.043, 186.164, 186.166, and 186.174:

3 (a) "Special license plate" means a unique license plate issued under this chapter
4 to a group or organization that readily identifies the operator of the motor
5 vehicle or motorcycle bearing the plate as a member of a group or
6 organization, or a supporter of the work, goals, or mission of a group or
7 organization. The term shall not include regular license plates issued under
8 KRS 186.240;

9 (b) "Street rod" means a modernized private passenger motor vehicle
10 manufactured prior to the year 1949, or designed or manufactured to resemble
11 a vehicle manufactured prior to 1949;

12 (c) "SF" means the portion of an initial or renewal fee to obtain a special license
13 plate that is dedicated for use by the Transportation Cabinet;

14 (d) "CF" means the portion of an initial or renewal fee to obtain a special license
15 plate that is dedicated for use by a county clerk; and

16 (e) "EF" means the portion of an initial or renewal fee to obtain a special license
17 plate that is mandated by this chapter to be dedicated for use by a particular
18 group or organization.

19 (2) The initial purchase fee and renewal fee for a special license plate created under this
20 chapter shall be as established in this subsection and includes the name of group or
21 organization and the total initial and renewal fee required for the plate. The amount
22 in parentheses indicates how the total fee is required to be divided:

23 (a) Disabled veterans who receive assistance to purchase a vehicle from the
24 United States Veterans' Administration and recipients of the Congressional
25 Medal of Honor:

- 1 1. Initial Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
- 2 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
- 3 (b) Former prisoners of war and survivors of Pearl Harbor:
- 4 1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans'
- 5 program trust fund established under KRS 40.460).
- 6 2. Renewal Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).
- 7 (c) Members of the Kentucky National Guard and recipients of the Purple Heart:
- 8 1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans'
- 9 program trust fund established under KRS 40.460).
- 10 2. Renewal Fee: \$8 (\$0 SF/\$3 CF/\$5 EF to the veterans'
- 11 program trust fund established under KRS 40.460).
- 12 (d) Members of the Civil Air Patrol; active, retired, veteran, reserve, or auxiliary
- 13 members of the United States Army, Navy, Air Force, Marine Corps, or Coast
- 14 Guard; Merchant Marines who served between December 7, 1941, and August
- 15 15, 1945; recipients of the Silver Star Medal, or the Bronze Star Medal
- 16 awarded for valor; and disabled veterans who have been declared to be at
- 17 least fifty percent (50%) service-connected disabled by the United States
- 18 Department of Veterans' Affairs, or who receive total service-connected
- 19 disability rating for compensation on individual unemployability and have not
- 20 received assistance from the United States Department of Veterans' Affairs
- 21 toward the purchase of a motor vehicle:
- 22 1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans'
- 23 program trust fund established under KRS 40.460).
- 24 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans'
- 25 program trust fund established under KRS 40.460).
- 26 (e) Recipients of the Distinguished Service Cross, Navy Cross, or Air Force
- 27 Cross:

1 1. Initial Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).

2 2. Renewal Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).

3 (f) Disabled license plates:

4 1. Initial Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).

5 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).

6 (g) Historic vehicles:

7 1. Initial Fee for two plates: \$53 (\$50 SF/\$3 CF/\$0 EF).

8 2. Renewal Fee: Do not renew annually.

9 (h) Members of Congress:

10 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).

11 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans'
12 program trust fund established under KRS 40.460).

13 (i) Firefighters:

14 1. Initial Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).

15 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).

16 (j) Emergency management:

17 1. Initial Fee: \$28 (\$25 SF/\$3 CF/\$0 EF).

18 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).

19 (k) Fraternal Order of Police:

20 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).

21 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).

22 (l) Law Enforcement Memorial:

23 1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the Kentucky Law
24 Enforcement Memorial Foundation, Inc.).

25 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Kentucky Law
26 Enforcement Memorial Foundation, Inc.).

27 (m) Personalized plates:

1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
2. Renewal Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
- (n) Street rods:
 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (o) Nature plates:
 1. Initial Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
- (p) Amateur radio:
 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (q) Kentucky General Assembly:
 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (r) Kentucky Court of Justice:
 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$8 (\$0 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (s) Masons:
 1. Initial Fee: \$28 (\$25 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (t) Collegiate plates:
 1. Initial Fee: \$50 (\$37 SF/\$3 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the

1 plate).

2 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the general
3 scholarship fund of the university whose name will be borne on the
4 plate).

5 (u) Independent Colleges:

6 1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the Association of
7 Independent Kentucky Colleges and Universities for distribution to the
8 general scholarship funds of the Association's members).

9 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Association of
10 Independent Kentucky Colleges and Universities for distribution to the
11 general scholarship funds of the Association's members).

12 (v) Child Victims:

13 1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the child victims'
14 trust fund established under KRS 41.400).

15 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the child victims'
16 trust fund established under KRS 41.400).

17 (w) Kentucky Horse Council:

18 1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the Kentucky
19 Horse Council).

20 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the Kentucky
21 Horse Council).

22 (x) Ducks Unlimited:

23 1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to Kentucky Ducks
24 Unlimited).

25 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky Ducks
26 Unlimited).

27 (y) Spay neuter:

- 1 1. Initial Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the animal control
2 and care fund established under KRS 258.119).
- 3 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the animal control
4 and care fund established under KRS 258.119).
- 5 (z) Gold Star Mothers or Gold Star Spouses:
- 6 1. Initial Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
- 7 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
- 8 (3) Any special license plate may be combined with a personalized license plate for a
9 twenty-five dollar (\$25) state fee in addition to all other fees for the particular
10 special license plate established in this section and in KRS 186.164(3). The twenty-
11 five dollar (\$25) fee required under this subsection shall be divided between the
12 cabinet and the county clerk of the county where the applicant is applying for the
13 license plate with the cabinet receiving twenty dollars (\$20) and the county clerk
14 receiving five dollars (\$5).
- 15 (4) Owners and lessees of motorcycles registered under KRS 186.050(2) may be
16 eligible to receive special license plates issued under this section or established
17 under the provisions of KRS 186.164 after the cabinet has received three hundred
18 (300) applications and initial state fees from the sponsoring organization.
19 Applicants for a special license plate for a motorcycle shall be required to pay the
20 fee for a special plate as prescribed in this section or in KRS 186.164. The fee paid
21 for the special plate for a motorcycle shall be in lieu of the registration fee required
22 under KRS 186.050(2).
- 23 ➔Section 2. KRS 186.164 is amended to read as follows:
- 24 (1) The SF portion of the fee required under KRS 186.162 shall include the fee to
25 reflectorize all license plates under KRS 186.240. All EF fees required under KRS
26 186.162 shall be collected at the time of an initial or renewal application by the
27 county clerk who shall forward the EF fee to the cabinet. The cabinet shall remit EF

1 fees to the group or organization identified in KRS 186.162 on a quarterly basis.
2 The cabinet may retain any investment income earned from holding EF fees
3 designated to be remitted under this subsection to offset administrative costs
4 incurred by the cabinet in the administration of EF fees.

5 (2) A special license plate shall be the color and design selected by the group or
6 organization identified in subsection (13) of this section, contingent upon the
7 approval of the Transportation Cabinet. In addition to the design selected for a
8 special license plate, the name "Kentucky," an annual renewal decal, and any
9 combination of letters or numerals required by the cabinet in the design shall also
10 appear on the plate.

11 (3) Except as provided in KRS 186.162, the total initial fee for a special license plate
12 created under this chapter shall be twenty-eight dollars (\$28), of which the
13 Transportation Cabinet shall receive twenty-five dollars (\$25) and the county clerk
14 shall receive three dollars (\$3), and the total renewal fee shall be fifteen dollars
15 (\$15), of which the Transportation Cabinet shall receive twelve dollars (\$12) and
16 the county clerk shall receive three dollars (\$3). The twenty-five dollar (\$25) initial
17 fee and twelve dollar (\$12) renewal fee received by the Transportation Cabinet
18 under this subsection shall include an applicant's registration fee required under
19 KRS 186.050.

20 (4) An actual metal special license plate shall be issued on the same schedule as regular
21 license plates are issued under KRS 186.240. The cabinet shall have the discretion
22 to extend the time period that will exist between the date a metal special license
23 plate is issued and the date that regular plates are issued under KRS 186.240. A
24 renewal registration decal shall be issued all other years during the owner's or
25 lessee's birth month, except as provided in KRS 186.041(2), 186.042(5), and
26 186.174(2). A person seeking a special license plate for a vehicle provided as part
27 of the person's occupation shall conform to the requirements of KRS 186.050(14).

- 1 (5) (a) If a special license plate issued under this chapter deteriorates to the point that
2 the lettering, numbering, or images on the face of the plate are not legible, the
3 plate shall be replaced free of charge, if the owner or lessee has not transferred
4 the vehicle to which the plate was issued during the current licensing period.
- 5 (b) If a special license plate issued under this chapter is lost, stolen, or damaged in
6 an accident, the county clerk shall issue a new plate upon payment of a three
7 dollar (\$3) county clerk fee, if the owner or lessee has not transferred the
8 vehicle to which the plate was issued during the current licensing period.
- 9 (6) Upon the sale, transfer, or termination of a lease of a vehicle with any special
10 license plate issued under this chapter, the owner or lessee shall remove the special
11 plate and return it and the certificate of registration to the county clerk. The county
12 clerk shall reissue the owner or lessee a regular license plate and a certificate of
13 registration upon payment of a three dollar (\$3) county clerk fee. If the owner or
14 lessee requests, the county clerk shall reissue the special plate upon payment of a
15 three dollar (\$3) county clerk fee for use on any other vehicle of the same
16 classification and category owned, leased, or acquired by the person during the
17 current licensing period. If the owner or lessee has the special plate reissued to a
18 vehicle which has been previously registered in this state, the regular license plate
19 that is being replaced shall be returned to the county clerk who shall forward the
20 plate to the Transportation Cabinet.
- 21 (7) A special license plate may be issued to the owner or lessee of a motor vehicle that
22 is required to be registered under KRS 186.050(1), (3)(a), or (4)(a), except a special
23 license plate shall not be issued to a taxicab, airport limousine, or U-Drive-It
24 registered and licensed under this chapter or KRS Chapter 281. A person applying
25 for a special license plate shall apply in the office of the county clerk in the county
26 of the person's residence, except as provided in KRS 186.168(3). All special license
27 plates issued under this chapter may be combined with a personalized license plate

1 under the provisions of KRS 186.174. The fee to combine a special license plate
2 with a personalized license plate shall be as established in KRS 186.162(3).

3 (8) Within thirty (30) days of termination from election to, appointment to, or
4 membership with any group or organization, an applicant to whom a special license
5 plate was issued under this chapter shall return the special license plate to the
6 county clerk of the county of his or her residence, unless the person is merely
7 changing his or her status with the group or organization to retired.

8 (9) A group wanting to create a special license plate that is not authorized under this
9 chapter on June 20, 2005, shall comply with the following conditions before being
10 eligible to apply for a special license plate:

11 (a) The group shall be nonprofit and based, headquartered, or have a chapter in
12 Kentucky;

13 (b) The group may be organized for, but shall not be restricted to, social, civic, or
14 entertainment purposes;

15 (c) The group, or the group's lettering, logo, image, or message to be placed on
16 the license plate, if created, shall not discriminate against any race, color,
17 religion, sex, or national origin, and shall not be construed, as determined by
18 the cabinet, as an attempt to victimize or intimidate any person due to the
19 person's race, color, religion, sex, or national origin;

20 (d) The group shall not be a political party and shall not have been created
21 primarily to promote a specific political belief;

22 (e) The group shall not have as its primary purpose the promotion of any specific
23 faith, religion, or antireligion;

24 (f) The name of the group shall not be the name of a special product or brand
25 name, and shall not be construed, as determined by the cabinet, as promoting a
26 product or brand name; and

27 (g) The group's lettering, logo, image, or message to be placed on the license

1 plate, if created, shall not be obscene, as determined by the cabinet.

2 (10) If the cabinet denies to issue a group a special license plate based upon the
3 conditions specified in subsection (9) of this section, the group may appeal the
4 denial to the next regularly scheduled session of the General Assembly for review
5 of the denial and action on the group's request for a special license plate. The
6 cabinet shall, immediately upon denying to issue a group a special license plate,
7 notify in writing the chairperson of both the House and Senate Transportation
8 Committees of the General Assembly of the denial and the reasons upon which the
9 cabinet based the denial. The House and Senate chairpersons shall be required to
10 present the information to his or her respective committee for consideration within
11 the first ten (10) days of the next regularly scheduled session of the General
12 Assembly, if requested to do so in writing by the group who was denied a special
13 license plate. A person seeking a personalized license plate under KRS 186.174
14 shall be subject to the conditions specified in subsection (9)(c) to (g) of this section.

15 (11) If the cabinet approves a request for a special license plate, the cabinet shall begin
16 designing and printing the plate after the group collects a minimum of nine hundred
17 (900) applications with each application being accompanied by a twenty-five dollar
18 (\$25) state fee. The applications and accompanying fee shall be submitted to the
19 cabinet at one (1) time as a whole and shall not be submitted individually or
20 intermittently.

21 (12) An initial applicant for, or an applicant renewing, his or her registration for a special
22 license plate may, at the time of application, make a voluntary contribution that the
23 county clerk shall forward to the cabinet. The entity that sponsors a special plate
24 established by the process outlined in this section may set a requested donation
25 amount, not to exceed ten dollars (\$10), that will automatically be added to the cost
26 of registration or renewal, unless the individual registering or renewing the vehicle
27 registration opts out of contributing that recommended amount. The cabinet shall,

1 on an annual basis, remit the voluntary contributions to the appropriate group
2 identified to be used for the declared purpose stated under subsection (13) of this
3 section. The cabinet may retain any investment income earned from holding
4 voluntary contributions designated to be remitted under this subsection to offset
5 administrative costs incurred by the cabinet in the administration of the
6 contributions. Any group or organization that receives a mandatory EF fee under
7 KRS 186.162 shall submit the information required under subsection (13)(a) and (c)
8 of this section to the Transportation Cabinet within thirty (30) days of June 20,
9 2005.

10 (13) If a group wants to receive a donation when the group or organization's special
11 license plate is initially purchased or renewed under subsection (12) of this section,
12 the group shall, at the time the nine hundred (900) applications are submitted to the
13 Transportation Cabinet, also submit a notarized affidavit to the cabinet attesting to:

14 (a) The name, address, and telephone number for the group or organization. If the
15 group or organization does not have its headquarters in the Commonwealth,
16 then the name, address, and telephone number for the group or organization's
17 Kentucky state chapter shall be required. The names of the officers of the
18 group or organization shall also be required. If the entity receiving funds
19 under subsection (12) of this section is not a state governmental agency, a
20 program unit within a state governmental agency, or is a group or organization
21 that does not have a statewide chapter, then an extra donation for use by the
22 group or organization shall be prohibited;

23 (b) The amount of the monetary donation the group wants to receive when a
24 person purchases the group or organization's special license plate; and

25 (c) The purpose for which the donated funds will be used by the group or
26 organization. Donated funds shall not be limited for use by members of the
27 group or organization, and shall not be used for administrative or personnel

1 costs of the group or organization.

2 (14) All funds received by a group or organization under subsection (12) of this section
 3 shall be deposited into an account separate from all other accounts the group or
 4 organization may have, and the account shall be audited yearly at the expense of the
 5 group or organization. The completed audit shall be forwarded to the Transportation
 6 Cabinet in Frankfort. One hundred percent (100%) of the funds received by a group
 7 or organization under subsection (12) of this section shall be used for the express
 8 purpose identified by the group in subsection (13) of this section. Any group or
 9 organization that receives a mandatory EF fee under KRS 186.162 shall comply
 10 with the provisions of this subsection.

11 (15) The secretary of the Transportation Cabinet shall promulgate administrative
 12 regulations under KRS Chapter 13A to establish additional rules to implement the
 13 issuance of special license plates issued under this chapter, including but not limited
 14 to:

15 (a) Documentation that will be required to accompany an application for a special
 16 license plate to provide proof of:

17 1. Election to the United States Congress or the Kentucky General
 18 Assembly;

19 2. Election or appointment to the Kentucky Court of Justice;

20 3. Membership in a Masonic Order, Fraternal Order of Police, or
 21 emergency management organization;

22 4. Eligibility for membership in the Gold Star Mothers of America;

23 5. Eligibility for membership in the Gold Star Wives of America; ~~{or}~~

24 6. Ownership of an amateur radio operator license;

25 7. *Receipt of the Silver Star Medal; or*

26 8. *Receipt of the Bronze Star Medal awarded for valor.*

27 (b) The time schedule permissible for a group or organization to request a design

1 change for the special license plate; and

2 (c) The procedures for review of proposed license plates and the standards by
3 which proposed special license plates are approved or rejected in accordance
4 with subsection (9) of this section.

5 (16) Any individual, group, or organization that fails to audit any funds received under
6 this chapter, or that intentionally uses any funds received in any way other than
7 attested to under subsection (13) of this section or for administrative or personnel
8 costs in violation of subsection (13) of this section, shall be guilty of a Class D
9 felony and upon conviction shall, in addition to being subject to criminal penalties,
10 be assessed a mandatory five thousand dollar (\$5,000) fine.


11 ➔Section 3. KRS 186.166 is amended to read as follows:

12 (1) The Transportation Cabinet shall, unless directed otherwise by the General
13 Assembly, perpetually produce the following special license plates: military license
14 plates, U.S. Congressional license plates, firefighter license plates, emergency
15 management license plates, Fraternal Order of Police license plates, Law
16 Enforcement Memorial license plates, street rod license plates, nature license plates,
17 amateur radio license plates, Kentucky General Assembly license plates, Kentucky
18 Court of Justice license plates, Masonic Order license plates, collegiate license
19 plates, independent college and university license plates, child victims' trust fund
20 license plates, Kentucky Horse Council license plates, Ducks Unlimited license
21 plates, Gold Star Mothers license plates, Silver Star Medal license plates, Bronze
22 Star Medal license plates, and spay neuter license plates.

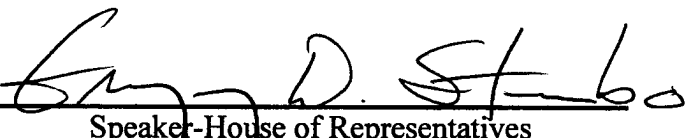
23 (2) The design of the plates identified for perpetual production under this section may
24 be revised upon request of a group or organization requesting a design revision
25 under the provisions of KRS 186.164(15).

26 (3) The design of a Purple Heart license plate shall not include any representation of the
27 word "Kentucky" that is a registered trademark or slogan which appears on a

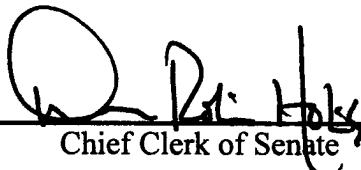
1 general issue license plate.



President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 
